

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| R7-1-212 | New Section |
| R7-1-712 | New Section |
- 2. The specific authority for the rulemaking, including both the authorizing statute and the statutes the rules are implementing:**
Authorizing statute: A.R.S. 15-1424
Implementing statute: A.R.S. 15-1424
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: December 10, 1999 Register
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|-------------|--|
| Name: | Thomas J. Saad, Associate Executive Director |
| Address: | 3225 North Central Ave., Suite 1220
Phoenix, AZ 85012 |
| Telephone: | (602) 255-4037 |
| Fax Number: | (602) 279-3464 |
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
- R7-1-212. Establishes an administrative procedure to resolve conflicts between community college districts that may arise from competing interests. Requires that the state board review the facts and make a final determination that will resolve the dispute. The rule is necessary to resolve conflicts in a timely manner as conflicts arise between community college districts as traditional district boundaries become less important in defining the exclusive domain of each respective district.
- R7-1-712. The rule establishes the approval process whereby a community college district may deliver educational services within the boundaries of another community college district. It authorizes the payment of state aid for credit courses generated within the context of this rule, and it requires State Board approval for tuition and fees for said courses. The rule is necessary to clearly establish the State Board's authority to determine when it is in the best interests of students, taxpayers, and the state, to allow a district to offer credit courses within the boundaries of another community college district.

Arizona Administrative Register
Notices of Proposed Rulemaking

6. A reference to any study that the agency proposes to rely on its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

The new sections will not diminish the authority of college districts. They have been operating under similar, but less formal, provisions.

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed rule will not adversely impact small business or consumers.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Thomas J. Saad, Associate Executive Director
Address: State Board of Directors for Community Colleges
3225 N. Central Ave., Suite 1220
Phoenix, AZ 85012
Telephone: (602) 255-4037
Fax: (602) 279-3464

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

Oral Proceedings are scheduled as follows:

Date: March 17, 2000
Time: 1:00 p.m.
Location: State Capitol Building
1700 West Washington, Room 200
Phoenix, AZ

11. Any other matters prescribed by statute that are applicable to the specific agency:

None

12. Incorporations by reference and their location in the rules:

None

13. Full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

ARTICLE 2. ADMINISTRATION

Section

R7-1-212. Resolution of a Conflict Between Community College Districts

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

Section

R7-1-712. Providing Community College Credit Courses in Another Community College District

ARTICLE 2. ADMINISTRATION

R7-1-212. Resolution of a Conflict Between Community College Districts.

A. In the event of a conflict between two or more community college districts regarding the interpretation or application of a State Board rule or policy that sets standards for the establishment, development, administration, operation or accreditation of the community college or the offering of courses and services outside of a district, the following procedure shall be employed:

Arizona Administrative Register
Notices of Proposed Rulemaking

1. The community college district raising the concern (requesting district) shall communicate the nature of the concern in writing to the Executive Director of the State Board and to the community college district with which it is in conflict (responding district). In this petition the requesting district shall set forth the concern and the operative facts, citing the State Board rule or policy that is in question, the manner in which the requesting district believes the rule or policy has been incorrectly applied, and the resolution that it is requesting.
2. Within 21 days after the next meeting of the governing board of the responding district occurring at least 30 days after receipt of the petition from the requesting district, the responding district shall respond to the concerns of the requesting district in writing to the requesting district and the Executive Director of the State Board.
3. Within 15 days after receipt of the response from the responding district, the requesting district may submit a rebuttal to the response of the responding district in writing to the responding district and the Executive Director of the State Board.
4. Within 60 days from the receipt of the response from the responding district (subsection (A)(2)), or 45 days of receipt of the reply from the requesting district (subsection (A)(3)), whichever is sooner, the State Board Executive Director or designee shall prepare a report with a recommended course of action for the State Board. The Executive Director shall attempt to develop a recommended resolution of the conflict that is appropriate and equitable. Upon request of the Executive Director, all parties to the conflict shall meet with or provide requested information to the Executive Director. The Executive Director may request, or the State Board may require, information or a position statement from other community college districts. A copy of the report of the Executive Director, along with a copy of the initial request, response, any rebuttal and any correspondence, shall be forwarded to the State Board. The information-gathering and resolution period may be extended for not more than an additional 60 days with the written concurrence of both the requesting and responding districts.
5. After considering the report and recommendations of the Executive Director, the State Board may accept the report, accept the report with modifications, or return the report to the Executive Director for further consideration.
 - a. If the State Board accepts the report and both the requesting and responding districts agree to the recommendation, the issue shall be deemed to be resolved.
 - b. If the State Board accepts the report and one or more district refuses to agree to the recommendations or fails to abide thereby, the State Board may initiate the review procedures provided in R7-1-207, Review of a Local District Governing Board by the State Board and providing for action as appropriate.
- B.** The requesting and responding districts may submit a proposed resolution to the Executive Director throughout the process.

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

R7-1-712. Providing Community College Credit Courses in Another Community College District.

- A.** A community college district (offering district) may not provide credit courses at a location in another community college district (affected district), unless prior to the delivery of classes the offering district has received authorization for such courses from the State Board in accordance with the following procedure.
 1. Except as provided herein, the offering district shall notify the State Board and the affected district of its intent to request the State Board authorization to provide credit courses at a location in the affected district as soon as feasible and not less than 45 days prior to the date of the State Board meeting at which the request will be considered. If the affected district agrees in writing to less than 45 days notice the offering district shall notify the State Board not less than 30 days prior to the date of the State Board meeting at which the request will be considered.
 2. No later than 15 days prior to the date of the State Board meeting at which the request will be considered the affected district governing board shall state its support for or objection to the proposed authorization for the offering of credit courses in its district, and its reasons or its position.
 3. The State Board shall consider the support or objection of the affected district along with the rationale of the offering district in determining if the requested authorization is to be granted. In reaching its decision as to the best interest of the state, the State Board shall be guided by the application of the following criteria:
 - a. The identified community, state, regional, or national need for the course;
 - b. The ability of the offering district to provide a unique or superior course, or to provide it in a manner that results in a superior service;
 - c. The ability and desire of the affected district to provide the proposed course in a manner that satisfies the identified need; and
 - d. Any adverse impact of the proposed course on existing programs or services of the affected district or the other Arizona community college districts.
- B.** For all credit courses covered by this rule
 1. The State Board shall approve tuition and fees.
 2. State Aid may be claimed.

Arizona Administrative Register
Notices of Proposed Rulemaking

3. An annual report for the previous fiscal year shall be submitted to the State Board by September 1 of each year. The annual report shall include location, credit courses offered, and enrollment.
- C.** Community college credit courses provided in another Arizona community college district via distance education technology to a designated receive site (such as a distance education classroom or an audio or videoconference site) are subject to the provisions of this rule.
- D.** Community college districts providing credit courses at a distance that can be accessed by individuals at non-designated receive sites (such as internet or correspondence) are not subject to the provisions of this rule but shall follow the provisions of R7-1-714.